

COUNCIL PROCEEDINGS

MARCH 23, 1999

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, March 23, 1999
Tuesday, 9:04 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Cole, Gale, Kamen, Lambke, Rogers; present. *Council Member Ferris absent.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

The invocation was given by Invocation - Rev. Robert Bull, Riverside Christian Church.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes --
-- approved

The minutes of the special meeting of March 11, 1999, and the regular meeting of March 16, 1999, as corrected, were approved 6 to 0. (Ferris absent)

AWARDS AND PRESENTATIONS

PROCLAMATIONS

Mayor Knight presented the Proclamations previously approved.

GFOA AWARD

The Government Finance Officers Association Award was presented.

UNFINISHED BUSINESS

TRANSFER STATION

CONSIDERATION OF TRANSFER STATION CONDITIONAL USES.

Gary Rebenstorf

Director of Law reviewed the Item.

Agenda Report No. 99-222 A.

On January 26 and February 9, 1999, the City Council reviewed the issue of solid waste transfer stations and what addition requirements should be established for transfer stations located within the City. Council directed that additional regulations be drafted. As part of this action, Council also directed that decisions on conditional uses for transfer stations should be approved by the City Council rather than the Planning Commission.

Under the Unified Zoning Code (UZY), a transfer station is only allowed to be located in the Rural Residential, Limited Industrial, and General Industrial zoning districts as a conditional use. A conditional use requires an application and case by case approval to assure compliance with the criteria of the UZY. Any conditional use, including those for transfer stations, may be approved or disapproved by the Planning Commission as final action, unless appealed to the Governing Body. The Governing Body, the Superintendent of Central Inspection, and the Planning Director all have authority to appeal a Planning Commission decision.

If appealed, the conditional use request then comes before the governing body as a recommendation for final action the same as a zoning decision. The Council has discretion whether to hold another public hearing.

The City Council has the right to make the final decision on any conditional use application for a transfer station in the City that comes before it. A conditional use may be approved, approved with conditions or modifications, denied, or returned to the Planning Commission for further consideration.

Council may direct that all conditional uses involving transfer station applications within the City be appealed and automatically come to the Council for final decision. This can be accomplished by an amendment to Council Policy 9 which establishes policy implementation procedures for City Council consideration of zoning and planning items. A new section 3(f) to City Council Policy 9 would read as follows:

COUNCIL PROCEEDINGS

MARCH 23, 1999

City Council Procedure

- (f) All MAPC decisions on Conditional Uses for a transfer station shall be appealed and shall come to the City Council for final decision.

No further Council action will be necessary to bring individual cases forward. This will be direction to City staff that such decisions are always deemed appealed and will always be placed on the Council's Planning Agenda for final action.

If Council prefers a more formal approach to consideration of transfer station conditional uses, it may initiate an amendment to the UZC. The amendment would require final City Council consideration for the approval or denial of any application for a conditional use for a transfer station. Textual changes to the UZC must follow the statutory amendment process. It would require an MAPC hearing after 20 days published notice of the amendment. The MAPC would then make its recommendation to the City Council and County Commission for the language changes.

The text change would be adopted as an ordinance change to the UZC. The process will take several months to accomplish.

ORDINANCE ON LICENSING AND CONTRACTING FOR SOLID WASTE TRANSFER STATIONS.

Agenda Report No. 99-223 A.

Proposed Chapter 3.52 of the City Code establishes a licensing process for the operation of solid waste transfer stations in the City. As part of the licensing process, the collectors will also enter into contracts with the City. The license and contract will be in addition to any licenses or permits required by the State, County, and Zoning Code.

The contractual requirements are listed in the Ordinance:

- Community-wide clean up.
- Neighborhood/Bulky Waste Clean up.
- Host fee.
- Household/Small Quantity Hazardous Waste.
- Radioactive Waste.
- Yard Waste Storage.
- Unsecured loads.
- Natural disasters.
- Other City waste.
- Tires.
- Asbestos.
- Emergency plan.

The tipping fee surcharges for each service will be a per ton charge established by resolution of the City Council based upon a recommendation by the Public Works Director. The fee will be adjusted annually based upon the anticipated volume of waste going through all transfer stations in the City. The collection of fees will be subject to periodic audit. Fees are to be paid to the City on a quarterly basis.

Existing cleanup programs have a cost impact of well over \$1.4 million annually. These programs are currently funded through tipping fees at Brooks landfill. When County licensed transfer stations take over the waste disposal function, the licensing and contracting ordinance can provide a means to assist in the continued funding of those programs. This funding source will be dependent upon the location of transfer stations within the City limits, however. The tipping fee surcharges assessed through the proposed ordinance will be placed in the City's solid waste fund and used to offset the costs of those programs continued by the City. The license fees are intended to off-set administrative expenses of the licensing.

Motion --
-- carried

Kamen moved that this Item be deferred until Council Member Ferris could be present. Motion carried 6 to 0. (Ferris absent)

(Later in the meeting the Council returned to consideration of this Item. Action is shown below. Council Member Ferris present.)

Council Member Ferris

Council Member Ferris spoke in full support of the Direction the City is taking.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion --

Ferris moved that the amendment to Council Policy 9 with regard to the Conditional Uses be approved; and the Ordinance be placed on first reading. Motion carried 7 to 0.

-- carried

COUNCIL PROCEEDINGS

MARCH 23, 1999

ORDINANCE

An Ordinance pertaining to solid waste transfer stations and creating Chapter 3.52 of the Code of the City of Wichita, Kansas, introduced and under the rules laid over.

PROPOSED ASSESSMENTS

PUBLIC HEARING ON PROPOSED ASSESSMENTS FOR TWO PROJECTS.

This Item was pulled from the Agenda.

NEW BUSINESS

(Council Member Ferris absent)

NEIGHBORHOOD PLANNING

CONTRACT FOR NEIGHBORHOOD PLANNING SERVICES.

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 99-263.

The Staff Screening and Selection Committee reviewed responses to proposals and selected Development Concepts, Inc., as the successful firm.

The target date for completion of the neighborhood studies is January 31, 2000. All work is to be completed by March 2000. The first two study areas will be Orchard Breeze and Center City. Work in the Hilltop and Midtown North areas is expected to commence in August.

The agreement commits the City to use the grant money provided by the KDCH as compensation for the consultants.

There is no direct funding provided by the City. The City is providing a 25 percent match for three of the grants awarded, and a one-third match for the Orchard Breeze grant. This amounts to \$17,500 in match which will be contributed primarily through the staff services of the MAPD, administrator of the grants.

Motion --
-- carried

Knight moved that the Contract be approved and the Mayor be authorized to sign. Motion carried 6 to 0. (Ferris absent)

ARTS & CRAFTS BUILDING

REQUESTED AMENDMENTS TO LEASE AGREEMENT. (District VI)

Chris Cherches

City Manager reviewed the Item.

Agenda Report No. 99-264.

On February 9, 1999 the City Council approved a lease agreement with the SER Corporation for the Arts and Crafts Center, at 2601 North Arkansas. The SER Corporation proposed to lease the City-owned building at 2601 North Arkansas for the main offices of its organization, in collaboration with other agencies for the Hispanic Community Center Initiative.

The SER Corporation proposed to partner with the agencies to provide the following services: 1) SER Corporation, job training and preparation; 2) Wichita A.C.T.S on Truancy Project, truancy counseling to youth and families; 3) Child Care Association; Head Start classroom for bilingual children; 4) Hispanic Tutoring Program, tutoring assistance; 5) Quivira Council--Boy Scouts of America, for outreach, recruitment and meeting space; and 6) Hispanic Family and Pregnancy Crisis Center, assistance for families and teens.

The SER Corporation has requested three amendments to the agreement: (1) A date change on the agreement to reflect its effective date of February 9, 1999, (Council approval date); (2) the \$200 lease payment be waived until the SER corporation occupies the facility; and (3) the renewal option be extended from three years as approved, to five years. (The original language in the Request for Proposal allows for an extension up to five years.)

The City will be required to maintain the facility until occupancy, including routine expenses (i.e. utilities, cleaning, grass mowing, vandalism repairs, etc.) An estimated cost of \$300 a will be required

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard.

COUNCIL PROCEEDINGS

MARCH 23, 1999

Richard Lopez Richard Lopez, SER Corporation, urged approval of the amendments.

Motion -- Cole moved that the amended Lease Agreement be approved and the Mayor be authorized
-- carried to sign. Motion carried 6 to 0. (Ferris absent)

MUNICIPAL ENERGY AGENCY **MUNICIPAL ENERGY AGENCY.**

Council Member Ferris present.

Joe Pajor Natural Resources Director reviewed the Item.

Agenda Report No. 99-265.

Kansas law was amended in 1998, to remove restrictive membership requirements for a municipal energy agency (MEA). Legislation allows cities to join together (by agreement) to form a cooperative agency for the purpose of planning, studying and developing facilities and programs to secure an adequate, economical and reliable supply of electricity and other energy. An MEA operates as a utility, subject to the Kansas Corporation Commission (KCC). Once created, it becomes a separate legal entity with broad authority and power to purchase, sell, exchange, or transmit electrical energy and to construct and operate generating and transmission facilities. Currently, there is one existing MEA, the Kansas Municipal Energy Agency (KMEA), which was formed in 1980. This agency has 40-member cities.

It is proposed that the City of Wichita enter into Interlocal Agreement with other area communities with common interests to form Municipal energy Agency.

The creation of an MEA in South Central Kansas should include cities in the area with common energy interests, including such municipalities as Derby, Newton, El Dorado, and others. It might also receive support and membership from the Regional Area Economic Area Partnership (REAP). Once organized, this entity could be involved in the State-wide discussions of electrical energy issues, become a cost effective advocate for its members in the regulatory proceedings, and to implement planning and preparing for retail wheeling in the State, and to position itself to become (if it chooses) aggregators of electrical power for its residents under retail wheeling.

K.S.A 12-885 et seq., permits municipalities to create an MEA. The procedure to develop an MEA begins with the initial identification of member cities. This can be achieved by having interested cities adopt a Statement of Interest to Participate or a Resolution authorizing the creation of an MEA pursuant to K.S.A. 12-885, as filed. The Resolution would become effective in 60 days unless a 10% protest petition is filed. Once all the resolutions have become effective, an agreement in then entered into by each city. The agreement is then submitted to the Attorney General for review/approval.

The adoption of a Statement of Interest to Participate and /or the Resolution would not create any immediate financial obligations, unless recommended by the membership of the Agency.

Council Member Rogers Council Member Rogers said media advising of the next step, rather than the City advising of the next step, borders on the media creating issues.

Mayor Knight Mayor Knight inquired whether anyone wished to be heard.

Bob Townsley Bob Townsley, west side of Wichita, said that if an energy plant were to be considered, trash, rather than fossil fuel should be used.

Motion -- Knight moved that a Statement of Interest to Participate and Resolution be adopted;
-- carried and Staff be authorized to contact other municipalities to inquire about their interest in forming an MEA. Motion carried 7 to 0.

RESOLUTION NO. R-99-107

A Resolution of the Governing Body of the City of Wichita authorizing the City to create a municipal energy agency pursuant to K.S.A. 12-885, et seq., as amended, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

(The Council returned to take up the Transfer Station Requirements. Action is shown in Agenda Order.)

COUNCIL PROCEEDINGS

MARCH 23, 1999

RALPH WULZ TENNIS CENTER RALPH WULZ TENNIS CENTER PLAN. (District VI)

Chris Cherches

City Manager reviewed the Item.

Agenda Report No. 99-266.

The (Ralph Wulz) Tennis Center, located in Riverside Park, one of the City's largest and most utilized parks, has a history of being a premier tennis center. It was home to regional tennis tournaments and had a reputation for being one of the better facilities in the region. Over the years, the condition and usage declined necessitating corrective actions.

Recent action (December 1998) by the City Council addressed facility improvements and authorized actions to restore tennis activities and programs. Staff, along with a group of tennis enthusiasts, have held a number of meetings to develop a strategy to not only upgrade the tennis facilities but increase the interest and programming for youth and families in Wichita. A plan has been developed to address the business and marketing aspects of this major tennis facility. This plan outlines the action steps felt to be needed to promote tennis as a sport for youth and families and market the Riverside Tennis facilities for more growth and active use, not only for local tennis instructions, recreation and league play, but to attract regional tennis tournaments.

The proposed plan is based upon the premise that this coming (1999) season will be a rebuilding year for the Tennis Center. That is, a series of events and activities will be programmed to develop and promote tennis and introduce more users to the Center's facilities. Since major tennis tournaments have already been scheduled for the season, it is doubtful that any such major tournaments/events, other than local tennis events, can be scheduled this year. However, major efforts will be made this year to set in place a framework for development of tennis programs that not only serve the general public, but family and youth tennis as well. In addition, contacts will be made with private funders (e.g. foundations, sports equipment manufacturers, etc.) to promote and schedule tournaments for future major tennis events. In addition, sponsorships will be solicited to assist with making tennis an affordable sport to residents and seek actual program commitments for 1999 and beyond.

The following action will be initiated to implement infrastructure and program improvements to the Ralph Wulz Tennis Center.

C March, 1999 - May, 1999 --- Initiation of Facility Capital Improvements
These improvements have already been approved by the City Council and include the renovation of courts #6 and #7; repair lighting and speaker/intercom system; renovate pro shop and plaza areas; install signage and landscaping; install bleachers.

C March, 1999 - May 1999 --- Purchase Additional Equipment for Tennis Program
These purchases have already been approved by the City Council and include such items as seamless rollers; nets; ball machines; wind screens; racquet carts; tennis racquets and balls and other equipment needs.

C March, 1999 --- Negotiate Pro/Management Contracts
As part of the proposed plan, new contracts will be negotiated for the tennis professional for managing the facility along with services related to marketing the Center and soliciting tennis events/services. The terms and conditions of the pro contract will be address such issues as court scheduling, tennis instructions, merchandising the pro-shop; managing the concessions; and daily maintenance/cleaning; along with assisting with recruiting, directing and managing tournaments; hosting leagues; repairing equipment; etc. The contract will include a basic annual salary, supplemented from program revenues derived from Center programs/activities/sales. Special assistance/services will be retained to provide a linkage with local tennis enthusiasts/clubs, and to obtain support from the local and national tennis community. These special services will likewise assist the tennis professional to develop tennis programs (such as listed below) and identify grant and other funding assistance that might be available to support tennis events and tournaments.

April - May 1999 --- Establish Community Tennis Association

To help promote the tennis facility and provide the support necessary to implement the plan, it is proposed that a Community Tennis Association be established. This organization, once established, would serve in an advisory capacity to the City Manager/Council, the Park and Recreation Department/Board, and assist with special tennis attractions at the Center and become the entity to apply/receive USTA grants. In addition, the Association would:

COUNCIL PROCEEDINGS

MARCH 23, 1999

- * Initiate grants to the USTA to fund At-risk youth programs and adult tennis programs.

COUNCIL PROCEEDINGS

MARCH 23, 1999

- * Market and promote local and regional tennis tournaments and special events.
 - * Provide a pool of volunteers to staff tennis tournaments and special events.
 - * Develop a pool of corporate sponsors for tournaments and special events.
- C April 1999 - June 1999 --- Actions to Develop Tennis Programs
In addition to the above action strategies, other activities to promote, build and develop the tennis centers use and events would include, but not limited to, the following:
- * Development of the USA Tennis AFree for All® Event -- a one-time free tennis lesson for youth and adult to promote and attract individuals to the center to enjoy the tennis sport.
 - * Establish a Play Tennis America Program -- a four-week program for beginners which will be offered to children through the schools. Scholarships through a USTA grant would be offered for children who do not have the ability to pay.
 - * Development of USA Team Tennis -- a four-week-to-eight-week program which moves junior players (age 16-18) into team practice and match play through league play. This program may be offered not only at the Center, but other courts throughout the City.
 - * Implementation of the Summer of Discovery Program -- this new program, recently approved by the City Council, will offer 1,000 children from throughout the City to be exposed to tennis during a week long tennis clinic.
 - * Development of Tennis Mentor Program for At-risk® Children -- this program would match At-risk® youth with volunteer adults to expose youth to tennis as a life-long sport and to also serve as role model to youth.
 - * Organize National Tennis Day -- May 9, 1999, is National Tennis Day, an event which should be celebrated with tennis clinics, local media and celebrity matches, and other special events to promote the Center and the sport of tennis.
 - * Development of programs for the physically challenged -- tennis programs will be made available to children and adults who have physical disabilities.
 - * Development of Corporate Sponsors -- the tennis pro and the Community Tennis Association will contact and encourage corporate sponsors to support community tennis programs and subsidize court costs for employees as a way to encourage employees to maintain a healthy lifestyle.
 - * Develop special programs for disadvantaged youth to encourage tennis recreation. Grants will be solicited along with corporate sponsorships to assist with the financial support for these programs/activities.

C May, 1999 -- Initiate On-going Marketing Program for Tennis Programs
Many of the programs to enhance usage of the Tennis Center and increase tennis play across the City will require an ongoing marketing effort. Specific activities to be carried out would target school children before the close of the school year through flyers and brochures; advertising and promoting tennis programs on the Channel #7 and in recreational publications; working with the Community Tennis Association to promote tennis tournaments and special events; promotions of tennis programs in cooperation with the Recreational Alliance and local tennis clubs; and other similar marketing activities.

On December 15, 1998, the City Council authorized improvements totaling \$217,685 from under expenditures in the 1998 Park Department budget. Additional start-up costs, including equipping the pro shop and concession areas, marketing the upgraded facility, plus a basis pro and special assistance contracts, are estimated to be approximately \$75,000. Money is available in the General Fund reserve. Annual revenues from all improvements are projected to increase by \$15,000/year, with \$7,000 of the increase being from inventory resale and \$8,000 of the increase in fees for tournaments, lessons and league play.

As the Center begins to market and program more activities and attract tournament play and other events, income will increase. It will be the City's goal to make this facility self-supporting within three years.

Council Member Cole

Council Member Cole commended and thanked Council Member Ferris and Mrs. Ferris for their efforts on this project.

Council Member Rogers

Council Member Rogers said that he hoped that, from a conceptual standpoint, people involved with this program would understand that they may need to establish a communication process. There should be ongoing information to the other parks in the area about what the impact of certain procedures that they might find being effective can be transmitted to other parks. There needs to be a truly coordinated

COUNCIL PROCEEDINGS

MARCH 23, 1999

effort throughout the entire City - in terms of the operation of, specifically, these kinds of programs. They would be of tremendous benefit to all the citizens in all parts of the City.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion --

Ferris moved that the proposed implementation plan and budget adjustment be approved; and Staff be authorized to negotiate appropriate contracts. Motion carried 7 to 0.

-- carried

NGBRHOOD SERVICE CENTERS ESTABLISHMENT OF NEIGHBORHOOD SERVICE CENTERS.

Chris Cherches

City Manager reviewed the Item.

Agenda Report No. 99-267.

On March 23, 1999, the City Council approved the establishment of Neighborhood Service Centers at four locations: Atwater; Colvin; Evergreen; and Aley/Stanley. The City currently provides a number of services at the centers. Branch health stations are located at Colvin, Evergreen and Aley/Stanley and recreational staff are assigned to each of the four locations. The Colvin and Aley/Stanley facilities are combined community and elementary facilities. Both of these locations operate branch libraries which serve the public and the school children. Community Education Coordinators are located at Atwater (part-time shared with Northeast Magnet School) and at Colvin. Additional office space will be available for other services when Human Service staff, also located at the four centers, relocate to a central location.

The proposal is to phase-in services at the centers. The services currently provided will be the ~~building blocks~~ for other public services. Neighborhood Assistants and CPO staff will be reassigned to the centers to provide a daily presence, contact point and a more visible link between City government, and neighborhood residents/groups. Eventually these centers could become ~~mini-city halls~~ providing other services most often needed by neighborhood residents. For example, in the future, the City could initiate bill paying functions at each of the centers for utility bills, municipal court fines, and housing payments. As technology develops it is envisioned that the centers could eventually provide licenses and City permits. Other City services such as inspection services and street maintenance could be provided from the four center locations.

To capitalize on an existing public asset, it is proposed that the City increase its investment in the centers to make them viable service facilities for the surrounding neighborhoods. The centers will need to be upgraded so that they are conducive to public access and are user friendly. The City initiated a request for proposals for architectural services to evaluate the centers and work with the City on necessary design improvements. The firm of Shaefer Johnson Cox Frey and Associates is recommended for this work.

The firm provided a graduated fee schedule based upon the cost of the improvements. Given that the dollar amount of improvements is unknown, it is recommended that a not-to-exceed amount of \$64,000 be approved. Architectural fees could be substantially less once the scope of work has been determined and the fee negotiated. The City Council, at the March 23, 1999, meeting approved the use of CDBG funds for architectural services and facility renovation.

Council Member Ferris

Council Member Ferris said the fastest growing area in Wichita does not have even a recreation center or meeting place.

The City Council previously appropriated \$100,000 to a recreation center in conjunction with the Auburn Hills Golf Course. The costs directly attributable to the expansion for the recreation or meeting room area to make the clubhouse accessible to 200 people was \$300,000 and not \$100,000. Some of the costs can be absorbed by the City in the Golf Course Budget for the clubhouse, since the City was given \$600,000 by the developer to build a portion of that. The budget will be about \$135,000 short and Council Member Ferris said it would be a gross mistake to have the size of the meeting area cut to accommodate the budget.

The Golf Course Budget will run the facility so that the operational costs will not go back to the General Fund. The electricity and all of those things will be paid for through the Golf Fund. The construction budget is going to need an additional infusion of \$135,000 to be able to accommodate a meeting room the size that is needed in west Wichita.

Council Member Ferris asked that the Manager place this Item on the Agenda next week.

COUNCIL PROCEEDINGS

MARCH 23, 1999

Council Member Cole Council Member Cole said neighborhood organizations have been expressing interest and asking whether there is a possibility that the neighborhood organizations might be involved, to the degree possible, in determining what services might be at these center.

Council Member Rogers Council Member Rogers said he hoped the City Council would consider establishing dialogue to look at the relative merits of encouraging the establishment of a group (i.e., Superintendent of Schools, City Manager, County Manager) to begin some kind of formal discussion and to bring in specific people with technical skills to look at ongoing planning and organization.

Mayor Knight Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion -- Knight moved that establishment of the Neighborhood Center plan be approved; the CDBG funding be redirected; and architectural services be approved. Motion carried 7 to 0.

-- carried

UPDATE OF Y2K PLAN

UPDATE OF Y2K PLAN.

Jeanne Hernandez Internal Auditor showed slides and reviewed the Item.

The following were the slide topics:

- C Risk Reduction Scale
 - Do nothing
 - Assessment
 - Testing
 - Audit
 - Contingency Plan
- C Critical Services
 - Water and Sewer
 - Storm Water Utility
 - Airport Facilities Management
 - Traffic Control Signalization
 - Ground Water Remediation/Landfill
 - Public Safety Services
- C How is Remediation Progressing
 - Approximately 88 percent of systems are ready or in active repair.
 - Remaining portion pending testing and vendor responses.
 - Year 2000 contingency plans drafted for Water/Sewer Department.
 - Self imposed deadline of June 1999 for all critical City systems.
- C Progress from Last Month
 - Ready - from 30 plus percent to 50 percent
 - Active Repair - 35 plus percent
 - Assess Pdg. - from 10 plus percent to 28 percent
- C Known Exceptions to Self-imposed Deadline.
 - Work Around Plans are Important
 - Court Upgrades - Third Quarter Implementation
 - Water Treatment Plant Control System - Third Quarter Impl.
- C Embedded Systems
 - Outside expertise developed test plans.
 - Training on test plans for 33 critical systems - February 1st.
 - City staff will use framework and conduct testing first quarter.
 - Eight week assessment on testing.
- C Vendor Management
 - Contracts have had Y2K compliance requirement for over one year.
 - Critical vendors have been contacted and continued follow-up until compliance has been verified.
 - Critical embedded systems require outside expertise to determine compliance.
- C Legal Liability
 - City documenting process to show diligent effort and managed plan for remediation.
 - Project Group leaders have been given a binder and instructions on:
 - How to determine compliance.
 - Certification process for compliance.
 - Definition of compliance.
- C Contingency Planning for Community.
 - Through Office of Emergency Management/Sedgwick County
 - Planned exercise forthcoming.
- C Critical Issues for the Project.
 - Back-up systems and contingency plans in place and successfully tested.
 - Time Management.
 - Outreach to the community to gain confidence that services will

COUNCIL PROCEEDINGS

MARCH 23, 1999

be provided.

C Outreach Activities.
 Web site
 Seminar for large industrial customers/today
 Water bill inserts on proper preparedness
 City Issues Program on Channel 7
 Employee newsletter
 Speaking for numerous organizations
 Letter program to vendors

C Year 2000 Web Site
 Http://y2k.state.ks.us
 Links to Federal, State and Local Government

Council Member Kamen momentarily absent.
 Council Member Ferris momentarily absent.

Mayor Knight Mayor Knight said the City has had years to prepare and citizens will be very unforgiving if they cannot receive services. If vendors are not in compliance or are non responsive, Mayor Knight strongly suggested they no longer be City vendors.

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion -- carried Knight moved that the update be received and filed. Motion carried 7 to 0.

CITY COUNCIL AGENDA

APPOINTMENTS

BOARD/COMMISSION APPOINTMENTS (FOR TERMS EXPIRING JUNE 30, 1999):

Commission on the Status of People with Disabilities (Lambke)
 Convention & Tourism Committee (Ferris)
 Human Services Board (2 appointments - Council at large)
 Police & Fire Retirement Board of Trustees (Rogers)
 Sister Cities Advisory Board (Cole)
 Wichita Commission on the Status of Women (5 appointments - 2 Lambke, Ferris, Gale, Kamen)
 Wichita-Sedgwick County Correctional Housing Board (Knight - Municipal Court Probation)

Council Member Kamen Council Member Kamen said he would not make his appointment to the Commission on the Status of Women until the new term is ready to begin.

(The Condemnation Item was considered later in the meeting. Action is shown in Agenda order.)

(Council Member Ferris absent)

CONDEMNATIONS

REPAIR OR REMOVAL OF UNSAFE STRUCTURES - 301 WEST 33RD STREET SOUTH. (Requested by Council Member Lambke, District III)

Kurt Schroeder Superintendent of Central Inspection reviewed the Item.

Agenda Report No. 99-268.

This property was before the Board of Code Standards and Appeals (BCSA) on November 2, 1998. No one was present to represent the property, and the BCSA recommended 10 days to start demolition and 10 days to complete.

This case was before Council on January 5, 1999. At that hearing, Council adopted a resolution allowing 10 days to start and 10 days to complete demolition.

An asbestos survey has been completed, at a cost of \$320. Demolition is pending the award of the contract to a demolition contractor.

A prospective buyer, Chris Siler, contacted Council member Lambke and requested that Council reconsider its resolution, and allow additional time for him to complete the purchase and repair of the property.

The taxes are current. There is a pending assessment for weed mowing in the amount of \$115 and an assessment for emergency board up in the amount of \$100.08.

The Superintendent of Central Inspection recommended 60 days to close on the sale, make exterior repairs, and repay the amounts due the City.

COUNCIL PROCEEDINGS

MARCH 23, 1999

Motion --

Lambke moved that the previous demolition Resolution be rescinded and 60 days be allowed to close on the sale, make exterior repairs, and repay the amounts due the City; the resolution declaring the building(s) dangerous and unsafe structures be adopted, and any extensions of time granted to repair the structures would be conditioned on the following: (1) any back taxes now due are to be paid and taxes kept current, (2) the structures are to be kept secured, and (3) the premises are

COUNCIL PROCEEDINGS

MARCH 23, 1999

-- carried

to be kept mowed and free of debris; if any of these conditions are not met, staff is directed to proceed to let for bids to demolish the structure; and the City Clerk be instructed to have the Resolution published once in the official city paper and advise the owners of these findings. Motion carried 6 to 0. (Ferris absent)

RESOLUTION NO. R-99-120

A Resolution finding that the structures located on Lot 9, Block 6, Louis Sixth Addition to Wichita, Sedgwick County, Kansas, commonly known as 301 West 33rd Street South is unsafe or dangerous and directing the structure(s) to be removed, presented. Lambke moved that the Resolution be adopted. Motion carried 6 to 0. (Ferris absent)

(Council Member Ferris present)

PROCLAMATIONS

PROCLAMATIONS:

--COMPEER Friendship Week.
--Days of Remembrance of the Victims of the Holocaust.
--Records and Information Management Week.

Motion -- carried

Knight moved that the proclamations be approved. Motion carried 7 to 0.

CONSENT AGENDA

Knight moved that the Consent Agenda, except Item 27, including Addendum Item 22a, be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED MARCH 22, 1999.

At 10:00 a.m., Friday, March 19, 1999, pursuant to advertisements published, bids were received, publicly opened, read aloud and tabulated for the Board of Bids and Contracts:

(Ref: Bid analysis report attached to Board of Bids Minutes March 22, 1999.

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains
as per specifications

1999 Contract Maintenance Mill and Overlay of Asphalt Streets (132282/706648
/621326)

Ritchie Paving \$1,752,928.75* (Aggregate Total)

*Engineers Estimate

21st Street Left Turn Lane Phase II Sterling Farms Addition (472-81892)

Kansas Paving Company - \$14,728.00

Knight moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the Mayor be authorized to sign for the City. Motion carried 7 to 0.

PUBLIC WORKS DEPARTMENT/FLEET AND BUILDINGS DIVISION: 55 Gallon Drum
Compactor/Crusher (130807)

American Recycling Systems, Inc.- \$10,874.00

PUBLIC WORKS DEPARTMENT/MAINTENANCE DIVISION: Traffic Sign Faces (132217)

Kansas Correctional Industries - \$27,959.40 (Group I/Total Net Bid)
Vulcan Signs - \$666.00 (Group II/Total Net Bid)

PUBLIC WORKS DEPARTMENT/FLEET AND BUILDINGS DIVISION: Rubber Tire Utility Vehicle
(130567)

Outdoor Equipment - \$10,184.00 (Total Net Bid)

COUNCIL PROCEEDINGS

MARCH 23, 1999

PUBLIC WORKS DEPARTMENT/FLEET AND BUILDINGS DIVISION: 29,000 GVWR Cab & Chassis with Seven (7) Cubic Yard Dump Bed with Eight (8) Cubic Yard Ends (130807)

Copeland Trucks - \$250,760.00 (Total Net Bid)

PUBLIC WORKS DEPARTMENT/FLEET AND BUILDINGS DIVISION: Front Deck Mowers, 15 Foot Rotary Mower, 74" Flail Mower, and Riding Wing Rotary Mower (130807)

Group I - Deferred for one week

Wichita Ford Tractor - \$10,562.34 Group II (Total Net Bid)

No Charge (Lump Sum Total/Option 1)

\$11,991.84 Group III (Total Net Bid)

Modern Distributing - \$31,391.00 Group IV (Total Net Bid)

Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

LICENSE APPLICATIONS

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>1999</u>	<u>(Consumption off Premises)</u>
Robert J. Bales	Klepper Industries	3520 North Woodlawn
Robert J. Bales	Klepper Oil Company, Inc.	2601 North Broadway

Motion --
-- carried

Knight moved that the licenses be approved subject to Staff review and approval. Motion carried 7 to 0.

PLANS AND SPECIFICATIONS PLANS AND SPECIFICATIONS:

- a. 1999 contract maintenance heater scarification (surface rejuvenation) and overlay of asphalt streets at various locations. (132242/621326/112000/533243) Traffic to be maintained through construction using flagpersons and barricades. City Council approval date: 10/13/98. (Districts I, II, and V)
- b. 1997 water main replacement program Phase 7/Schweiter Group - south of Kellogg, west of Hillside. (448-89198/634840/544139) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 1/6/98. (District I)
- c. 12" Water Supply Line in 29th Street North - between Oliver and Woodlawn. (448-89104/635250 /544625) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 1/26/99. (District I)
- d. 1999 sanitary sewer rehabilitation program Phase "B" - in Pawnee, west of Broadway. (468-82969/ 620255/669380) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 1/26/99. (District III)
- e. 1999 sanitary sewer reconstruction program, phase 1 - north of Kellogg, east of Broadway. (468-82970/620258/669383) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 1/26/99. (District I, IV, and VI)
- f. Lateral 87, Main 1, Southwest Interceptor Sewer to serve Cedarvale Acres Addition - 46th Street South and Ida. (468-82888/743690/480460) Traffic to be maintained through construction. City Council approval date: 9/1/98. (District III)
- g. Water distribution system to serve Sabin, Walker to Harry Hecox Third, Windover and Tweco Products Inc. First Additions and Unplatted Tracts - north of Harry, east of I-235. (448-89225/734293/470507) Traffic to be maintained through construction. City Council approval date: 1/6/98. (District IV)
- h. Vest Pocket Park - south side of Douglas, between Market and Broadway. (472-82881/791848/) Does not affect existing traffic. City Council approval date: 5/20/97. (District VI)

COUNCIL PROCEEDINGS

MARCH 23, 1999

Motion -- Knight moved that the Plans and Specifications be approved and the City Clerk be instructed to advertise for bids to be submitted to the Board of Bids and
 -- carried Contracts by 10:00 a.m., April 2, 1999. Motion carried 7 to 0.

SUBDIVISION PLANS AND SPECIFICATIONS:

- a. WDS to serve Auburn Hills Seventh, Eighth & Ninth Additions and Unplatted Tracts; and Auburn Hills Commercial and Commercial Second Additions - along 135th Street West, south of Maple and south of Maple, east of 135th Street West. (448-89359, 448-89156/734917, 734918/470587, and 470588) Traffic to be maintained through construction. City Council approval date: 1/26/99 and 6/17/97. (District V)
- b. Lateral 422, Southwest Interceptor Sewer to serve Lindsay's Orchard Addition - north of Pawnee, west of Maize. 468-82943/743791/480479 Does not affect existing traffic. City Council approval date: 1/12/99. (District V)
- c. Dora, from the east line of Cardington east to the east line of Covington and from the east line of Covington east to the east line of plat; Covington from the north line of Dora north and east to the west line of Lot 19, Block E; Carr Courts from the south line of Carr south to and including the cul-de-sac and from the north line of Carr north and west to and including the Cul-de-sac; Covington Courts from the west line of Covington West to and including the cul-de-sac and from the west line of Covington West to and including the cul-de-sac, and; Sidewalk on both sides of Dora from the east line of Cardington to the east line of Covington, on Covington from the north line of Dora to the west line of Lot 19, Block 3, and on the south side of Dora from the east line of Covington East to east line of Plat, to serve Lark Sixth Addition - south of Kellogg, east of 119th Street West. 472-82895/765546/490657 Does not affect existing traffic. City Council approval date: 12/9/98. (District V)
- d. Hendryx Avenue from the east line of Julia to the west line of Hoover Street, and; Sidewalk along one side of Hendryx Avenue to serve West Kellogg Power Center Addition - north of Kellogg, west of Hoover. 472-82756/765549/ 490660 Street shall be closed during construction. City Council approval date: 9/24/96. (District V)
- e. Storm Water Sewer No. 523 to serve Auburn Hills Ninth Addition - south of Maple, east of 135th Street West. (468-82957/751274/485165) Does not affect existing traffic. City Council approval date: 1/26/99. (District V)
- f. Storm Water Sewer No. 522 to serve Auburn Hills Eighth Addition - south of Maple, east of 135th Street West. (468-89256/751275/485166) Does not affect existing traffic. City Council approval date: 1/26/99. (District V)

Motion -- Knight moved that the Plans and Specifications be approved and the City Clerk be instructed to advertise for bids to be submitted to the Board of Bids and
 -- carried Contracts by 10:00 a.m., April 2, 1999. Motion carried 7 to 0.

PRELIMINARY ESTIMATES

PRELIMINARY ESTIMATES:

- a. Water transmission in Harry from Ridge Road to 3700 feet west of Ridge Road - south of Kellogg, east of Tyler Road. (448-89248/633651/758535) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 2/2/99. (District V) - \$275,583.34
- b. Water distribution system to serve properties east of Arkansas Avenue between 37th Street North and 45th Street North. (448-89255/734467/470524) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 4/14/98. (District VI) - \$383,234.35
- c. Water distribution system to serve Simmons Park Addition - north of 55th Street South, east of Meridian. (448-89286/734871/470565) Traffic to be maintained through construction. City Council approval date: 6/23/98. (District V) - \$82,000.00
- d. Water distribution system to serve Simmons Park Addition - north of 55th Street South, east of Meridian. (448-89287/734889/470566) Does not affect existing traffic. City Council approval date: 6/23/98.

COUNCIL PROCEEDINGS

MARCH 23, 1999

- (District V) - \$137,000.00
- e. Storm Water Sewer No. 496 to serve Lark Sixth Addition - south of Kellogg, east of 119th Street West. (468-82796/751149/485149) Does not affect existing traffic. City Council approval date: 12/9/97.
(District V) - \$166,750.00
- f. Lateral 29, Main 1, Cowskin Interceptor Sewer to serve Hughes and Blasi Park Additions - south of Kellogg, east of 119th Street West. (468-82933/743782/480470) Does not affect existing traffic. City Council approval date: 12/15/98. (District V) - \$56,000.00

Motion --
-- carried

Knight moved that the Preliminary Estimates be approved and filed. Motion carried 7 to 0.

BOARDS MINUTES

MINUTES OF ADVISORY BOARDS/COMMISSIONS:

Board of Code Standards and Appeals, 2-1-99
Board of Park Commissioners, 3-8-99
CPO Northeast Council 1, 3-8-99
CPO East Council 2, 3-8-99
CPO Southeast Council 3, 3-11-99
CPO Southwest Council 4, 3-11-99
CPO Northeast Council 5, 3-10-99
CPO North Central Council 6, 3-10-99
Metropolitan Area Planning Commission (MAPC), 2-11-99
Metropolitan Area Planning Commission (MAPC), 1-28-99
Wichita Historic Preservation Board, 2-8-99

Motion -- carried

Knight moved that the Minutes be received and filed. Motion carried 7 to 0.

BOARDS ANNUAL REPORTS

ADVISORY BOARDS/COMMISSIONS ANNUAL REPORTS:

Board of Park Commissioners
Utility Location Coordination Council (ULCC)
Wichita-Sedgwick County Board of Health
Wichita Transit

Motion -- carried

Knight moved that the Report be received and filed. Motion carried 7 to 0.

STREET CLOSURES/USES

WESTDALE AT ZOO BOULEVARD. (District VI)

Agenda Report No. 99-269.

Ritchie Paving, Inc. is under contract with the City to reconstruct Zoo Boulevard, from 12th Street North, to the north side of I-235. Ritchie has requested to close Westdale at Zoo Boulevard from March 29 through May 10 to allow the reconstruction of the railroad crossing, the intersection approach pavement on Westdale and the northeast lanes of Zoo Boulevard at Westdale.

A message board will be placed on site advising motorists who presently use Westdale of the upcoming closure. Westdale will remain open to local access in the section between West Lynn Street and West Street.

Motion -- carried

Knight moved that the street closure be approved. Motion carried 7 to 0.

PARTIAL STREET CLOSURE OF CENTRAL, BETWEEN SHEFFORD AND 119TH STREET WEST DURING SURFACE REPLACEMENT (District V)

Agenda Report No. 99-292.

Wittwer Paving, Inc. has contracted to replace the street surface on Central, between Shefford and 119th Street West. Wittwer will mill the existing asphalt surface and replace it with a thin concrete overlay. Work is scheduled to begin March 24th with completion expected by April 14th.

During this surface replacement project, traffic will be maintained on Central with one lane in each direction. Residential street access to Central within the project limits will be closed as construction and the related concrete curing time requires. Each residential street closure is expected to last approximately 7 days. Access to the residential neighborhood north of Central will be possible from 119th Street by using either Pine or Hickory streets. Access to the

COUNCIL PROCEEDINGS

MARCH 23, 1999

residential neighborhood south of Central will be possible from 119th Street by using Rolling Hills, or from Central Street by using Parkdale Street.

The project is being funded by budgeted Street Maintenance Funds.

Motion -- carried

Knight moved that the street closure be approved. Motion carried 7 to 0.

CLOSURE OF FEES STREET BRIDGE OVER THE KANSAS TURNPIKE DURING BRIDGE RAISING (District III)

Agenda Report No. 99-293.

The Kansas Turnpike Authority (KTA) has contracted with Wildcat Construction, Inc. to raise the Fees Street Bridge over the Kansas Turnpike, and revise the bridge approaches. This is part of an ongoing KTA project to improve clearances along the Turnpike. Work is expected to begin Monday, March 22 with completion expected near the end of June.

The Wichita Park Department and the USD 259 Transportation Division have been notified of the closure.

Motion -- carried

Knight moved that the street closure be approved. Motion carried 7 to 0.

KDOT AGREEMENT

CONSTRUCTION AGREEMENT FOR CENTRAL, I-235 TO WEST STREET. (Districts IV and VI)

Agenda Report No. 99-270.

On November 5, 1996, the City Council approved an Agreement with the Kansas Department of Transportation (KDOT) for reconstructing Central. KDOT had agreed to take bids for the project and participate in the project funding. It has now been decided that the City will take bids for the project. A City/State Agreement has been prepared to replace the Agreement dated November 13, 1996.

Central will be widened to provide a five-lane roadway.

The estimated construction cost is \$2,665,000. KDOT will pay 80% of the costs. The funding source for the City's share is General Obligation Bonds.

Motion --
-- carried

Knight moved that the Agreement be approved and the Mayor be authorized to sign. Motion carried 7 to 0.

INTERNET SERVICE

CONTRACT FOR INTERNET SERVICE - LIBRARY.

Agenda Report No. 99-271.

The Telecommunications Act of 1996 authorized establishment of discounts for telecommunications and Internet access for schools and libraries. The Library was awarded \$48,054.40 in discounted service for the first funding cycle. To help the

Library maximize its discount requests for the second funding year, eligible services should be provided on a July 1 - June 30 contract cycle. The Library's current contract for service from SouthWind Internet Access, Inc. is for a November 1 - October 31 period.

The Library requires a reliable dedicated Internet connection to provide access not only to information resources on the world wide web, but also for connectivity to remote databases made available through the Library's online catalog. Amending the existing contract will allow the Library to apply for discounts for the entire second funding year. It will synchronize future years' contracts with the discount funding cycles.

Maintaining the current contract without change will reduce the Internet discount the Library may request by 33%.

Monthly access fees identified in the contract will not change. If the grant application is successful, the Library will receive a 69% discount on its Internet service for the July 1, 1999 - June 30, 2000 year. Estimated value of the discount is \$8,967.

Proposal includes amending only the dates of service in the existing contract.

Motion --
-- carried

Knight moved that the Purchasing Manager be authorized to initiate and sign the contract. Motion carried 7 to 0.

COUNCIL PROCEEDINGS

MARCH 23, 1999

ARTERIAL CORRIDOR DESIGN DESIGN CONTRACT - ARTERIAL CORRIDOR PROGRAM. (DISTRICT V)

Agenda Report No. 99-272.

On May 19, 1998, the City Council authorized the Staff Screening and Selection Committee to select design engineers for the 1998 Arterial Corridor Program. On November 18, 1998, the Staff Screening and Selection Committee selected consulting firms to perform the design engineering for the CIP projects, associated petitioned projects, and incidental water and sewer lines.

The firm of Savoy, Ruggles & Bohm was selected to design improvements to the intersection of Central and Ridge (MS-208001). The Contract fee is \$113,400.

The funding source is General Obligation Bonds.

Motion --
-- carried

Knight moved that the Contract be approved and the Mayor be authorized to sign. Motion carried 7 to 0.

OFFICE SPACE CONTRACT DESIGN/BUILD CONTRACT FOR OFFICE SPACE.

Agenda Report No. 99-273.

On January 26, 1999, the City Council approved a reorganization plan for the Human Services Department. The plan defined the need to address outdated service delivery; to provide services that are market-based and customer oriented as well as agile and adaptable; to reduce overhead costs and increase output; and to be able to produce meaningful and measurable outcomes. To address these needs, the plan reorganizes service delivery and couples the new Welfare to Work (WtW) program with the existing Job Training Partnership Act (JTPA) program. This provides a better continuum for workforce development services. Staff associated with these two functions need to be consolidated into one location to better address clients needs.

The Human Services reorganization plan proposes to consolidate staff into one central location to provide workforce development services. The preferred location is the vacant, undeveloped space associated with the State Office Building Parking Garage. This ground level space is ideal as it is across the street from the Wichita Transit Center and will provide clients who depend on public transit with easy access to job development services. The location is also in very close proximity to the State Office Building which houses a number of support services for the same clientele.

Competitive bids were solicited for design and construction of the office space. It is proposed to enter into a contract with Gossen Livingston for design/build services. Gossen Livingston was the architectural firm utilized to design the parking garage and is already familiar with this structure. The firm indicates the design documents could be completed within four weeks allowing construction to commence and be completed within 16 weeks. The relocation of Human Service staff to one central location is also necessary due to the Municipal Court remodel project.

The Municipal Court will expand its operations and require additional space on the second floor of City Hall (the current location of some of the Human Services staff involved workforce development activities).

The total estimated cost of the design/build contract is \$306,003. Unexpended CDBG funds are available in the Human Services budget to design/construct the project. Allocating space for this proposed public service usage will make it eligible for CDBG allocations, thus alleviating the need for General Fund use to complete the space remodeling.

Motion --
-- carried

Knight moved that the Contract be approved and the Mayor be authorized to sign. Motion carried 7 to 0.

SENECA STREET AGREEMENT SUPPLEMENTAL AGREEMENT FOR THE SENECA AND MCCORMICK INTERSECTION. (District IV)

Agenda Report No. 99-274.

On October 31, 1995, the City Council approved an Agreement with the Kansas Department of Transportation (KDOT) for the City to provide the construction engineering services for the Seneca and McCormick intersection, and for KDOT to reimburse the City for 80% of the cost with an upper limit of \$94,182.66. At completion of the project, it was discovered that more time was required than

COUNCIL PROCEEDINGS

MARCH 23, 1999

figured in the original estimate. The City had to provide additional inspection services for 24 days that were not anticipated when the initial Agreement was prepared.

KDOT has agreed to increase the upper limit of compensation to \$102,809.08 to reimburse the City for the additional work. The Supplemental Agreement has been prepared.

Motion --
-- carried

Knight moved that the Supplemental Agreement be approved and the Mayor be authorized to sign. Motion carried 7 to 0.

ENGINEERING SERVICES

SUPPLEMENTAL AGREEMENT FOR STAKING AND CONSTRUCTION ENGINEERING SERVICES FOR ARBOR LAKES ESTATES -SOUTH OF HARRY, WEST OF 159TH STREET EAST. (DISTRICT II)

Agenda Report No. 99-275.

The City Council approved a project for Water Distribution System Number 448-89269 on June 2, 1998. On July 13, 1998, the City approved an Agreement with Savoy, Ruggles & Bohm, P.A. (SRB) to design the improvements. The Design Agreement with SRB requires SRB to provide construction engineering services if requested by the City.

The proposed Supplemental Agreement between the City and SRB provides for the staking and construction engineering services for Water Distribution System Number 448 89269 and 448 89357. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering services for this project.

Payment will be on a lump sum basis of \$9,520, and will be paid by special assessments.

Motion --
-- carried

Knight moved that the Supplemental Agreement be approved and the Mayor be authorized to sign. Motion carried 7 to 0.

ENGINEERING SERVICES

SUPPLEMENTAL AGREEMENT FOR STAKING AND CONSTRUCTION ENGINEERING SERVICES FOR CLARK ESTATES ADDITION - SOUTH OF CENTRAL, EAST OF 143RD STREET EAST. (DISTRICT II)

Agenda Report No. 99-276.

The City Council approved a project for Water Distribution System Number 448-89281 on June 9, 1998. On July 31, 1998, the City approved an Agreement with Baughman Company, P.A. to design the improvements. The Design Agreement with Baughman requires Baughman to provide construction engineering services if requested by the City.

The proposed Supplemental Agreement between the City and Baughman provides for the staking and construction engineering services for Water Distribution System Number 448 89281. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering services for this project.

Payment will be on a lump sum basis of \$3,100, and will be paid by special assessments.

Motion --
-- carried

Knight moved that the Supplemental Agreement be approved and the Mayor be authorized to sign. Motion carried 7 to 0.

ENGINEERING SERVICES

SUPPLEMENTAL AGREEMENT FOR STAKING AND CONSTRUCTION ENGINEERING SERVICES FOR HARBOR ISLE SECOND ADDITION - EAST OF MERIDIAN, SOUTH OF 53TH STREET NORTH. (DISTRICT VI)

Agenda Report No. 99-277.

The City Council approved the Harbor Isle 2nd Addition plat on May 19, 1998. On July 7, 1998, the City approved an Agreement with Poe & Associates Inc. to design the improvements. The Design Agreement with Poe & Associates Inc. requires Poe & Associates Inc. to provide construction engineering services if requested by the City.

COUNCIL PROCEEDINGS

MARCH 23, 1999

The proposed Supplemental Agreement between the City and Poe & Associates Inc. provides for the staking and construction engineering services for sanitary sewer laterals, the water distribution system, and streets in Harbor Isles 2nd Addition. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering services for this project.

Payment will be on a lump sum basis of \$68,700, and will be paid by special assessments.

Motion --
-- carried

Knight moved that the Supplemental Agreement be approved and the Mayor be authorized to sign. Motion carried 7 to 0.

GILBERT & MOSLEY

SUPPLEMENTAL AGREEMENT FOR PROFESSIONAL SERVICES (LEGAL) - GILBERT & MOSLEY PROJECT.

Agenda Report No. 99-278.

The City entered into a professional services agreement on November 20, 1990, and subsequent supplemental agreements with Stinson, Mag & Fizzell to provide legal advice on environmental matters relating to the investigation and clean-up of groundwater contamination in the Gilbert & Mosley Site. That firm, and particularly David R. Tripp, assisted staff and Council on a number of elements on the project and continues to provide advice and legal representation as needed as the project is being implemented. Extensive effort has also been placed in the identification of responsible parties for cost recovery purposes. The contractual limit under the existing contract has been passed and new authority is needed.

This supplemental agreement provides additional authority to continue to use the services of Stinson, Mag & Fizzell on an as-needed basis for particular legal and environmental issues. This agreement also continues to provide for the litigation team headed by Robert L. Driscoll which is handling the litigation to recover costs from responsible parties.

This supplemental agreement provides authority for an additional \$500,000 in legal services. These services will be paid out of the Gilbert & Mosley TIF budget. Funds are available under the Contractual Services account and a transfer within that budgetary account will be made to the extent necessary to cover expenses incurred.

Motion --
-- carried

Knight moved that the Supplemental Agreement be approved and the Mayor be authorized to sign. Motion carried 7 to 0.

EPIC CENTER OPTION

EPIC CENTER OPTION TO REPURCHASE. (District VI)

Agenda Report No. 99-279.

Under the Real Estate Purchase Contract with Epic Center, Inc., the City has an option to repurchase any undeveloped portion of the Epic Center site (Block 2) after December 21, 1997. Epic Center, Inc., was originally selected as the developer of the entire site after an extensive competitive proposal process. The development proposal selected by the City Commission on November 30, 1982, contemplated twin 20-floor office towers with atrium, shopping mall, parking structure, and a land use plan. Epic Center paid the City \$2.1 million for the site. The contract dated December 21, 1982, required completion of the entire development by December 21, 1992.

In an amendment approved September 17, 1985, the phasing of the project was revised to allow the South tower to be built first, and the completion date was extended to December 21, 1997. A Second Amendment was approved on July 18, 1992, with CIPE, Inc. (formerly Epic Center, Inc.), allowing the use of the Northwest portion of the Site for the IRS Building and revising the landscape plan. Under that amendment, CIPE agreed to provide 286 parking spaces for the IRS Building and was allowed to use the undeveloped (Northeast) portion of the site for 186 of those spaces. The amendment provided that in the event the Northeast portion was developed or was repurchased by the City, CIPE would have 6 months to find replacement parking within 800 feet of the IRS Building.

The North Tower, atrium, and remaining parking structure have not been completed. The City has the option to repurchase the undeveloped portion of the site for the original purchase price (established as \$5.00 per square foot). (Under the agreement, temporary paved parking was allowed but the cost was specifically excluded from the repurchase price.) Notice has been given to CIPE of the City's intent to exercise the repurchase option.

COUNCIL PROCEEDINGS

MARCH 23, 1999

Last year, the City notified the owners of the property that unless the Company would submit plans for development of this property in substantial conformance to the conceptual plans initially approved, the City would exercise its option. The owners indicated that they did not have plans for further development of the property, thus leaving it up to the City as to whether or not it wished to reacquire the property.

The option to repurchase the undeveloped (Northeast) portion of the Epic Center site must be exercised by the City before June 21, 1999. Upon payment of the repurchase price, CIPE, Inc., will be required to transfer fee title of the undeveloped portion to the City by warranty deed. The property must be free of all liens and encumbrances, including back taxes which are currently owing. Staff will proceed to close on the parcel as soon as authorized. A survey will be necessary to determine the actual size of the undeveloped remainder (approximately 800,000 square foot).

CIPE has requested that it be allowed to lease the site for continued use as parking to meet its obligations for the IRS Building until such time as the City has other uses for the site. Staff can be directed to negotiate the lease, give the appropriate notices, and return to Council for approval of the lease terms.

The repurchase price of the undeveloped site is approximately \$401,000 based upon \$5.00 per square foot; the actual price will be determined by a survey. Survey expenses and closing costs are estimated to be less than \$5,000. The City is not required to pay for any of the parking improvements on the site. The owner will be required to pay back taxes up to date of closing.

Under the agreement, the City has the right to repurchase the site and has taken the necessary steps to initiate this process. Upon approval of the expenditure by the City Council, the City will be authorized to complete the repurchase the site.

Subsequent lease of the site will require appropriate approvals consistent with the Urban Renewal Plan for the site.

Motion --

Knight moved that (1) the expenditure of funds for the repurchase of the undeveloped portion of the Epic Center site be approved; Staff be authorized to complete the closing; the Mayor be authorized to sign the necessary documents; and (2) Staff be authorized to negotiate with CIPE, Inc., for their lease of the site for use as parking for the IRS Building and to return to City Council for approval of the lease terms. Motion carried 7 to 0.

-- carried

ADDENDUM ITEM 22A PROPERTY ACQUISITION

ACQUISITION OF 417 WEST BAYLEY (TRACT #1) FOR THE BAYLEY STREET RAIL CORRIDOR IMPROVEMENT PROJECT. (District I)

Agenda Report No. 99-294.

The Bayley Street Rail Corridor Improvement Project, approved by City Council on June 24, 1998, requires the full acquisition of eleven developed tracts and one vacant tract along Bayley Street and the partial acquisition of access, drives and garages of nine tracts. One of the full acquisitions is 417 West Bayley which is owned by Lillian Sullivan. The owner is elderly and has requested that she be allowed to stay in the property for some period after closing. The property is legally described as the East half of Lots 1,3, 5, and 7 on Palisade Street in Nelsons Highland 2nd Addition to Wichita.

The subject tract contains approximately 7,000 square feet and is improved with a single-family structure containing 650 square feet. A valuation of the property indicated that the tract is worth \$32,000. The property owner has agreed to sell the property to the City for this amount.

The funding source is General Obligation Bonds. The budget of \$38,500 includes \$32,000 for the acquisition, \$5,000 for demolition and associated costs, and \$1,500 for acquisition and closing costs, title insurance, etc.. This is the nineteenth acquisition for the project. Counting this property, expenditures of \$748,661 have been approved.

Motion --

Knight moved that the budget and Contract(s) be approved and the Mayor be authorized to sign the necessary documents. Motion carried 7 to 0.

-- carried

COUNCIL PROCEEDINGS

MARCH 23, 1999

IRB - WALCHER PURCHASE PURCHASE OPTION - WALCHER METAL TREAT, INC. (District III)

Agenda Report No. 99-280.

On March 30, 1993, City Council approved a Resolution approving Termination of Lease and a Special Warranty Deed to Walcher Metal Treat, Inc. However, the resolution should have authorized a deed of reconveyance to Metal Improvement Company, Inc. as successor Tenant for the Series VI, 1980 \$400,000 IRB issue.

Under the provisions of Sections 17.1 and 17.2 of the Lease Agreement for Series VI, 1980 Bonds, Metal Improvement Company, Inc., the Tenant, has the option to purchase the facility from the City of Wichita for \$100 once all outstanding bonds have been paid. The City has already received payment of the \$100 purchase option price and confirmation from the Trustee that all bonds have been paid.

The purchase price is \$100 and other considerations as listed under the provision of the Lease Agreement including all payments necessary to redeem and retire all outstanding bonds. This price includes without limitations, the payment of all outstanding principal, interest, and all other expenses of redemption, and trustee fees, after the deduction of any amounts provided for in the Lease Agreement and available for such redemption.

The City is contractually bound to convey the IRB Project property to the Tenant by special warranty deed, once all the conditions established in the Lease have been met. The City Attorney's Office has approved the form of the Resolution, Special Warranty Deed, Bill of Sale and Termination of Lease Agreement.

Motion --
-- carried

Knight moved that the Resolution be adopted and the mayor be authorized to sign the necessary documents. Motion carried 7 to 0.

RESOLUTION NO. R-99-108

A Resolution approving the Special Warranty Deed, Bill of Sale and Termination of Lease Agreement and authorizing the Mayor to sign, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

DEMONSTRATION PROJECT DEMONSTRATION URETHANE CONCRETE LIFTING PROJECT AT THE SYCAMORE EXIT RAMP OFF KELLOGG AND THE 500 BLOCK OF TAFT STREET. (District IV)

Agenda Report No. 99-281.

The 500 block of Taft Street, and the Sycamore exit ramp off of eastbound Kellogg both have sunken areas in the street that need to be repaired. Typically, they are repaired by removing and replacing the sunken portions of pavement, which is very expensive. If the pavement is otherwise sound, a process called mud-jacking can be performed which pushes a heavy concrete material under the sunken areas to raise the pavement. Because the concrete takes several days to cure, traffic must be diverted from the mud-jacked areas until the material sets up.

Uretek USA, a company from Houston, has developed a method of raising streets using a lightweight polyurethane foam which sets in a matter of minutes, minimizing traffic disruption. Uretek will be in the Wichita area in late March/early April, and could perform a demonstration project at that time.

Uretek has offered to demonstrate their product on Taft and the Sycamore exit ramp at a cost of \$23,250. Using their process, these streets would be repaired with a significant savings of both cost and time.

The 1999 Enhanced Maintenance Program contains adequate funding to provide for this demonstration.

Motion -- carried

Knight moved that the project be approved. Motion carried 7 to 0.

CONDEMNATIONS REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES - 1603 NORTH ASH AND 1543-45 NORTH NORTHEAST PARKWAY. (District I)

Agenda Report No. 99-282.

1603 North Ash	District I
1543-45 North Northeast Parkway	District I

Motion--

Knight moved that the setting the Public Hearing on May 4 1999, at 11:00 a.m. be

COUNCIL PROCEEDINGS

MARCH 23, 1999

-- carried adopted. Motion carried 7 to 0.

COUNCIL PROCEEDINGS

MARCH 23, 1999

RESOLUTION NO. R-99-105

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: Lots 89, 91, and 93 on Strong, now Ash Street, in Logan Addition to Wichita, Sedgwick County, Kansas, known as 1603 North Ash, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

RESOLUTION NO. R-99-106

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: lots 20, 21, 22 Block 14, University Heights Addition to Wichita, Sedgwick County, Kansas, known as 1543-45 North Northeast Parkway in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

STREET LIGHT RESOLUTION STREET LIGHT RESOLUTION #1-99.

Motion -- carried Knight moved that the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-99-109

A Resolution authorizing and directing Kansas Gas and Electric, a western Resources Company, to install and/or change certain street lights in the City of Wichita, Kansas, introduced and under the rules laid over. (1-99)

ART MUSEUM

ARCHITECTURAL SERVICES FOR ART MUSEUM.

Agenda Report No. 99-283.

On March 25, 1997, the City Council approved the reconstruction of the Art Museum entrance, and authorized the Staff Screening and Selection Committee to select an Architect for design. On October 21, 1997, the City Council approved the Contract with Chan Krieger & Associates as the design consultant for the project.

The Consultant has provided several design solutions supported by conceptual elevations, floor plans, site plans, statements of probable construction costs, and advantages/disadvantages according to the Contract provisions. Additional services in the amount of \$9,950 are needed to provide presentation material for a new addition and other improvements to the Wichita Art Museum.

The funding source for the additional services will be the Art Museum Fund (OCA 110148).

Motion -- Knight moved that the additional services be authorized; the Agreement be approved
-- carried and the Mayor be authorized to sign. Motion carried 7 to 0.

ORDINANCES

SECOND READING ORDINANCES: (First read March 16, 1999)

- a. Improvements to Seneca Street, from 31st Street South to Pawnee.
 (District IV)

ORDINANCE NO. 44-220

An Ordinance declaring Seneca, from 31st Street South to Pawnee (472-83084) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

COUNCIL PROCEEDINGS

MARCH 23, 1999

- b. Issuance of industrial revenue bonds - Envision, Inc. (District III)

ORDINANCE NO. 44-216

An Ordinance authorizing issuance of Industrial Revenue Bonds to Envision, Inc., read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

- c. Supplemental assessment for one paving project.

ORDINANCE NO. 44-215

An Ordinance levying supplemental Assessments on lots, pieces, and parcels of land in the city of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Red Brush, Wilson Estates Parkway; deceleration lane for eastbound traffic; left turn lane for westbound traffic on 21st Street for entrance to Red Brush, and; sidewalks on the west side of Red Brush and on the north side of Wilson Estates Parkway (south of 21st, east of Rock) Project No. 472-83843 read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

- d. False alarms.

ORDINANCE NO. 44-221

An Ordinance amending Sections 3.40.020, 3.40.050, 3.40.070, 3.40.080, 3.40.090 3.40.105 and 3.40.135 of the Code of the City of Wichita, Kansas, pertaining to definitions, license fee, required operational practices, revocation of licenses, response fees and panic alarms all relating to alarm systems and businesses, penalty and repealing the originals of said sections, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

- e. Assessment to pay for the cost of cutting weeds.

ORDINANCE NO. 44-217

An Ordinance making a special assessment to pay for the cost of cutting weeds in the City of Wichita, Kansas, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

- f. Revised Ordinance: 1998/1999 Intersection Program. (Districts I, III, IV, and V)

ORDINANCE NO. 44-222

An Ordinance declaring Maple at Seneca, 13th North at Waco; Meridian at McCormick; Seneca at McCormick; Pawnee at Hillside; 13th North at Broadway; 21st North at Mosley; Pawnee at Oliver; intersection of Central, Meridian, McLean; 13th North at Grove; Lincoln at Edgemoor; Lincoln at Woodlawn; Pawnee at West; Maize Road, between Central and 13th North; 47th South at Emporia; Hydraulic, between 31st South and MacArthur (1998-1999 Intersection Reconstruction Program) (472-82910) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

- g. Z-3262 - South side of Central, west of 127th Street East. (District II)

ORDINANCE NO. 44-223

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight. Z-3262

COUNCIL PROCEEDINGS

MARCH 23, 1999

- h. SCZ-0767 - North side of 13th Street North, west side of K-96.
(District II)

ORDINANCE NO. 44-224

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight. (SCZ-0767)

- i. Z-3282 - North side of 13th Street, east side of Sheridan. (District VI)

ORDINANCE NO. 44-225

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight. (Z-3282)

- j. Z-3302 - South side of Central, West of Hoover. (District V)

ORDINANCE NO. 44-226

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight. Z-3302

- j. Z-3309

ORDINANCE NO. 44-227

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight. Z-3309

- k. A 99-1 - Five (5) Street right of way segments in various locations.
(Districts II, IV, V, and VI)

ORDINANCE NO. 44-218

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight. A 99-1

- l. A 99-16 - Southeast corner of 13th Street North and Greenwich.
(District II)

ORDINANCE NO. 44-219

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight. A 99-16

Water and Sewer Assessment Ordinances.

WATER PROJECTS:

- a. (470-544/734665/448-88340)

ORDINANCE NO. 44-174

An Ordinance levying assessments on lots, pieces, and parcels of land in the City

COUNCIL PROCEEDINGS

MARCH 23, 1999

of Wichita, Kansas, for the purpose of paying a portion of the cost of construction

COUNCIL PROCEEDINGS

MARCH 23, 1999

of Water Distribution System No. 448-88340 58, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

b. (470-494/734160/448-88983)

ORDINANCE NO. 44-175

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution No. 448-88983, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

c. (470-519/734418/448-89026)

ORDINANCE NO. 44-176

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89026, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

d. (470-516/734384/448-89075)

ORDINANCE NO. 44-177

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89075, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

e. (470-434/733568/448-89108)

ORDINANCE NO. 44-178

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89108, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

f. (470-469/733915/448-89121)

ORDINANCE NO. 44-179

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89121, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

g. (470-501/734236/448-89192)

ORDINANCE NO. 44-180

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89192, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

h. (470-530/734525/448-89193)

ORDINANCE NO. 44-181

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89193, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

COUNCIL PROCEEDINGS

MARCH 23, 1999

i. (470-518/734400/448-89221)

ORDINANCE NO. 44-182

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89221, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0.
Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

j. (470-522/734442/448-89235)

ORDINANCE NO. 44-183

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89235, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0.
Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

k. (470-512/734343/448-89241)

ORDINANCE NO. 44-184

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89241, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0.
Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

l. (470-517/734392/448-89250)

ORDINANCE NO. 44-185

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89250, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0.
Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

m. (470-527/734491/448-89253)

ORDINANCE NO. 44-186

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89253, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0.
Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

n. (470-526/734483/448-89256)

ORDINANCE NO. 44-187

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89256, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0.
Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

o. (470-545/734673/448-89258)

ORDINANCE NO. 44-188

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89258, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0.
Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

p. (470-553/734756/448-89260)

ORDINANCE NO. 44-189

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction

COUNCIL PROCEEDINGS

MARCH 23, 1999

of Water Distribution System No. 448-89260, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0.
Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

q. (470-539/743616/448-89273)

ORDINANCE NO. 44-190

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89273, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0.
Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

r. (470-536/634582/448-89274)

ORDINANCE NO. 44-191

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89274, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0.
Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

s. (470-542/734640/448-89283)

ORDINANCE NO. 44-192

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89283, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0.
Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

t. (470-546/734681/448-89294)

ORDINANCE NO. 44-193

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89294, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0.
Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

SEWER PROJECTS:

a. (480-357/742650/468-82587)

ORDINANCE NO. 44-194

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Lateral 365, Southwest Interceptor Sewer, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

b. (480-420/743294/468-82778)

ORDINANCE NO. 44-195

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Lateral 28, Main 1, Cowskin Interceptor Sewer, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

c. (480-440/743492/468-82806)]

ORDINANCE NO. 44-196

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Lateral 15, Cowskin Interceptor Sewer, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0.
Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

COUNCIL PROCEEDINGS

MARCH 23, 1999

d. (480-436/743450/ 468-82809)

ORDINANCE NO. 44-197

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Lateral 20, Main 13, Southwest Interceptor Sewer, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

e. (480-431/743401/468-82812)

ORDINANCE NO. 44-198

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Lateral 16, Cowskin Interceptor Sewer, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

f. (480-441/743500/468-82838)

ORDINANCE NO. 44-199

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Lateral 16, Cowskin Interceptor Sewer, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

g. (480-447/743567/468-82844)

ORDINANCE NO. 44-200

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Lateral 3, Main 8, Southwest Interceptor Sewer, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

h. (480-446/743559/ 468-82848)

ORDINANCE NO. 44-201

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Lateral 9, Main 16, Southwest Interceptor Sewer, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

I. (480-448/743575/468-82884)

ORDINANCE NO. 44-202

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Lateral 142, War Industries Sewer, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

j. (480-455/743641/ 468-82890)

ORDINANCE NO. 44-203

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Lateral 160, Sanitary Sewer No. 22, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

COUNCIL PROCEEDINGS

MARCH 23, 1999

STORM WATER SEWERS:

a. (485-133/750976/468-82602)

ORDINANCE NO. 44-204

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Storm Water Drain No. 119, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

b. (485-138/751024/ 468-82739)

ORDINANCE NO. 44-205

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Storm Water Sewer No. 130, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

c. (485-141/751065/ 468-82740)

ORDINANCE NO. 44-206

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Storm Water Sewer No. 131, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

d (485-143/751081/ 468-82776)

ORDINANCE NO. 44-207

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Storm Water Sewer System No. 494, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

e. (485-144/751099/468-82780)

ORDINANCE NO. 44-208

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Storm Water Drain No. 133, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

f. (485-145/751107/468-82784)

ORDINANCE NO. 44-209

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Storm Water Sewer No. 495, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

g. (485-146/751115/468-82786)

ORDINANCE NO. 44-210

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Storm Water Drain No.134, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

COUNCIL PROCEEDINGS

MARCH 23, 1999

h. (485-155/751206/ 468-82886)

ORDINANCE NO. 44-211

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Storm Water Sewer No. 511, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

PLANNING AGENDA

Marvin Krout Director of Planning stated that all Items could be considered as consensus Items unless the Council desired to withhold other items.

Motion -- Knight moved that all Planning Agenda Items be approved as consensus Items.
-- carried Motion carried 7 to 0.

V-2148 - REQUEST TO VACATE ACCESS CONTROL LOCATED IN AN AREA NORTH OF 21ST STREET DRIVE, APPROXIMATELY 2 MILE WEST OF HOOVER. (District V)

Agenda Report No. 99-284.

MAPC Recommendation: Approve vacation of access control.
Staff Recommendation: Approve vacation of access control.

Motion -- Knight moved that the vacation order be approved and the Mayor be authorized to sign. Motion carried 7 to 0.
-- carried

D-1753 - DEDICATION OF UTILITY EASEMENT LOCATED ON THE NORTHEAST CORNER OF ST. CLAIR AND MCCORMICK. (District IV)

Agenda Report No. 99-285.

MAPC Recommendation: Accept the dedication.

This dedication is a requirement of Lot Split No. 0997 being made for the purpose of constructing and maintaining a public utility.

The dedication has been reviewed and approved by the Planning Commission.

Motion -- carried Knight moved that the document be received and filed. Motion carried 7 to 0.

S/D 98-101 - PLAT OF U-NEEDA SELF STORAGE ADDITION LOCATED ON THE SOUTHEAST CORNER OF 21ST STREET NORTH AND HOOVER.

Agenda Report No. 99-286.

MAPC Recommendation: Approve the Plat.
Staff Recommendation: Approve the Plat.

This site is located in the County adjoining Wichitas City limits and the Applicant has requested annexation. The site has been approved by the Health Department for temporary on-site sewer and water facilities. A zone change (SCZ-0764) from SF-20, Single-Family Residential and LC, Limited Commercial to OW, Office Warehouse was approved for this site subject to platting. The site is also subject to a Protective Overlay (P-O #39) established by SCZ-0764 which addresses uses, signage, and landscaping.

Petitions, 100%, have been submitted for future City water and sanitary sewer improvements. A Certificate of Petitions has also been submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

Motion -- Knight moved that the Petitions be approved and the Resolutions be adopted; the documents be received and filed and recorded with the Register of Deeds; the plat be approved as recommended and the Mayor be authorized to sign. Motion carried 7 to 0.
-- carried

COUNCIL PROCEEDINGS

MARCH 23, 1999

RESOLUTION NO. R-99-110

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution system Number 448-89377 (north of Kellogg, east of 119th Street West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

RESOLUTION NO. R-99-111

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89378 (south of 21st, east of Hoover) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

RESOLUTION NO. R-99-112

Resolution of findings of advisability and Resolution authorizing construction of Lateral 427, Southwest Interceptor Sewer (south of 21st, east of Hoover) Project No. 468-82977 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

RESOLUTION NO. R-99-113

Resolution of findings of advisability and Resolution authorizing construction of Lateral 20, Cowskin Interceptor Sewer (north of Kellogg, east of 119th Street West) Project No. 468-82974 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

S/D 98-104

S/D 98-104 - PLAT OF STORAGE CENTER ADDITION LOCATED ON THE NORTH SIDE OF KELLOGG, EAST OF 135TH STREET WEST.

Agenda Report No. 99-287.

MAPC Recommendation: Approve the Plat.
Staff Recommendation: Approve the Plat.

This site is located in the County within three miles of the Wichita city limits. It has been approved by the Health Department for the use of on-site sanitary sewer and water facilities.

Petitions, 100%, have been submitted for future sanitary sewer and municipal water improvements. A Certificate of Petitions has also been submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

Motion --
-- carried

Knight moved that the plat be approved as recommended and the Mayor be authorized to sign. Motion carried 7 to 0.

S/D 99-2

S/D 99-2 - PLAT OF GATEWAY CENTER ADDITION LOCATED ON THE SOUTHEAST CORNER OF 13TH STREET NORTH AND GREENWICH. (District II)

Agenda Report No. 99-288.

MAPC Recommendation: Approve the Plat.
Staff Recommendation: Approve the Plat.

This site adjoins the City of Wichita and is on the same agenda to be annexed by the City. A zone change (SCZ-0783) from SF-20, Single-Family Residential to LC, Limited Commercial was approved for this site subject to platting, in addition to a Community Unit Plan (DP-239).

The site will use the County's Four Mile Creek sanitary sewer system and petitions for sewer improvements will be handled by the County. City water is available to serve the site. Other petitions, all 100%, have been submitted for drainage, paving

COUNCIL PROCEEDINGS

Page 191

MARCH 23, 1999

and signalization improvements. Both a City and County Certificate of Petitions

COUNCIL PROCEEDINGS

MARCH 23, 1999

have also been submitted. As required by the drainage plan for this site, an off-site drainage easement has been submitted by the applicant. To provide shared access and internal circulation between the lots, access agreements have been submitted. A Community Unit Plan (CUP) Certificate has been provided identifying the approved CUP. In order to serve the site, an off-site utility easement has been provided.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the ordinance should be withheld until such time as the Plat is recorded with the Register of Deeds.

The Certificates of Petitions, off-site drainage easement, access agreements, CUP Certificate, and utility easement will be recorded with the Register of Deeds.

Motion --

Knight moved that the Petitions be approved and the Resolutions be adopted; the documents be received and filed and recorded with the Register of Deeds; the plat be approved as recommended and the Mayor be authorized to sign; the associated zone change Ordinance SCZ-0783 be placed on first reading; and Staff be directed to release the Plat for recording upon publication of the Annexation Ordinance.

-- carried

Motion carried 7 to 0.

RESOLUTION NO. R-99-114

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Drain No. 142 (south of 13th, east of Greenwich) Project No. 468-82975 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

RESOLUTION NO. R-99-115

Resolution of findings of advisability and Resolution authorizing construction of southbound left turn lane on Greenwich Road to provide left turns into the major entrance to the Gateway Center Addition, Project No. 472-83094 (south of 13th, east of Greenwich) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

RESOLUTION NO. R-99-116

Resolution of findings of advisability and Resolution authorizing installation of a fully actuated traffic signal and pavement markings as necessary, 13th Street North at the major entrance to the Gateway Center Addition, Project No. 472-83095 (south of 13th, east of Greenwich) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented.

Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

RESOLUTION NO. R-99-117

Resolution of findings of advisability and Resolution authorizing construction of a temporary southbound left turn lane on Greenwich Road to provide left turns into the major entrance to the Gateway Center Addition Project No. 472-83096 (south of 13th, east of Greenwich) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented.

Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, introduced and under the rules laid over. SCZ-0783

S/D 99-6

S/D 99-6 - PLAT OF ROCKY CREEK THIRD ADDITION LOCATED NORTH OF 13TH STREET NORTH, EAST OF 127TH STREET EAST. (District II)

Agenda Report No. 99-289.

MAPC Recommendation: Approve the Plat.
Staff Recommendation: Approve the Plat.

COUNCIL PROCEEDINGS

MARCH 23, 1999

This 29-lot plat is zoned SF-6, Single-Family Residential. Although this site is within the City of Wichita, it will use the County's Four Mile Creek sanitary sewer system and petitions for sewer improvements will be handled by the County. City water is available to serve the site. Other petitions, all 100%, have been submitted for paving and water improvements. Both a City and County Certificate of Petitions have also been submitted.

In order to provide for the ownership and maintenance of the reserves, the applicant has submitted a restrictive covenant. To provide for off-street parking for lots adjacent to narrow streets, a covenant has also been submitted requiring that four (4) off-street spaces be provided for each such lot. In order to allow for the platting of a street with a narrow or nonstandard right-of-way dedication, a 15-foot street, drainage, and utility easement was platted with a covenant restricting the use of easements.

The negative Planning Commission vote indicated the Commissioners' concern with the compatibility of this plat with the adjoining areas. This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificates of Petitions and restrictive covenants will be recorded with the Register of Deeds.

Motion --

Knight moved that the Petitions be approved and the Resolutions be adopted; the documents be received and filed and recorded with the Register of Deeds; the plat be approved as recommended and the Mayor be authorized to sign. Motion carried 7 to 0.

-- carried

RESOLUTION NO. R-99-118

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89098 (north of 13th, east of 127th Street East) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

RESOLUTION NO. R-99-119

Resolution of findings of advisability and Resolution authorizing improving of Glen Creek from the east line of Rocky Creek Parkway; Glen Court from the south line of Glen Creek to and including the cul-de-sac; and sidewalk on Glen Creek from the east line of Rocky Creek Parkway 472-83056 (north of 13th, east of 127th Street East) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

A 99-13

A 99-13 - THE CITY OF WICHITA SEEKS THE ANNEXATION OF CITY-OWNED PROPERTY GENERALLY LOCATED NORTH OF KELLOGG AND WEST OF 119TH STREET WEST. (District V)

Agenda Report No. 99-290.

The property proposed for annexation is City-owned property generally located north of Kellogg and west of 119th Street West. The proposed annexation area consists of approximately 39.6 acres and will be used as a part of the Auburn Hills Golf Course since much of the property is floodplain and floodway.

The site is currently under construction as part of the Auburn Hills Golf Course. The current zoning is ASF-20 Single Family Residential. Upon annexation the zoning will convert to the City's ASF-6 Single Family Residential zoning district. The land to the north is zoned ASF-6 Single Family Residential and is developed with single family residences and The Meadows Park. The land to the south is zoned ASF-6 Single Family Residential and AGC General Commercial, with the only developed properties being single family residences. The land to the east is zoned ASF-20 Single Family Residential and LI Limited Industrial and is developed as a cemetery. The land to the west is zoned ASF-20 Single Family Residential and AGC General Commercial and is developed with a quarter horse ranch and vacant commercial structures.

Since it is planned for use as a golf course, the site will not require public water or sewer. However, should these services be required in the future they may be extended from existing service lines to the north.

The only direct access to the site is from Wheatridge. However, the site will be developed as part of a golf course, so access to the site will be from the Auburn Hills Clubhouse to be located approximately one-quarter mile south of Maple on 135th Street West.

The Wichita Fire Department can serve this site with a four (4) to five (5) minute response time from Station #17 located at 10651 West Maple (near Maple and Maize Road). Police protection will be provided to the area by the Patrol West Bureau of the Wichita Police Department, headquartered at 661 North Elder (near Central and I-235).

This property is located within the urban growth area of the City of Wichita as shown in the 1996 amended Wichita-Sedgwick County Comprehensive Plan. The property also is located within the Policy 32 urban growth/service area.

The annexation will not bring in tax revenues to the City as it is a City-owned property for public purposes.

The property is eligible for annexation under K.S.A. 12-520.

Motion --
-- carried

Knight moved that the annexation request be approved and the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, introduced and under the rules laid over. (A 99-13)

RECESS

The City Council recessed at 10:25 a.m. and reconvened at 11:00 a.m.

(The Council returned to take up the 301 W. 33rd Street South Structure Repair or Removal. Action is shown with the Item in Agenda Order.)

EXECUTIVE SESSION

(Council Member Ferris left the Bench)

Motion --

-- carried

Knight moved that the City Council recess into executive session to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to potential litigation, legal advice, contract negotiations; personnel matters of non-elected personnel; matters relating to employer-employee negotiations; and confidential data relating to the financial affairs or trade secrets of a business; and the meeting be resumed no later than 12:15 p.m. Motion carried 6 to 0. (Ferris absent)

RECESS

The City Council recessed at 11:07 a.m. and reconvened at 12:15 p.m.

Mayor Knight

Mayor Knight announced that there was no action necessary as a result of the executive session.

ADJOURNMENT

The City Council meeting adjourned at 12:15 p.m.

Pat Burnett
City Clerk